From: jesse.
To: Microsoft ATR
Date: 1/23/02 3:46pm
Subject: Microsoft Settlement

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Honorable servant of the public,

As a computer user, systems administrator, and software developer, I have come into contact with all manner of Microsoft applications; in fact, I use one now as I write you. Drawing upon my experience as a whole, I can say that if any automobile manufacturer sold a car which performed as poorly and failed so miserably to live up to the expectations of the consumer as Microsoft products have, I am confident that the US government would have taken decisive action against such a company. If that company were using its investments in the oil companies and tire manufacturers to leverage its product, at the expense of competitors, this act would result in considerable punitive damages imposed and enforced by the federal government.

The situation described above is a perfect analogy to the current stranglehold the Microsoft corporation has on the software market today. Microsoft has ownership of the source code to Windows, the most prominent operating system (OS) in the world (which is not a crime in and of itself), and by consequence, has the ability to determine who can develop content for it, and what kind of content may be developed. The Internet Explorer browser is the most common tool used to view the vast world wide web, with some counts reporting 70% usage by the world's PC users. This much may be attributed to good business management and favorable circumstances; the rest of the Microsoft success is due to it's usage of market share in one market to advance itself in another market.

Microsoft's premiere productivity package, Office, consists of a word processor, professional e-mail tools, a spreadsheet application, and many other items. Office seems like a good product, and indeed it is a good combination, which is why there are so many other packages just like it (Corel's Office and Sun Microsystems' Star Office to name just two). The reason the other suites have failed or hold considerably less market share is not that they offer less to consumers, it is because they are unable to utilize the features of Windows to their fullest extent and gain in performance, speed, and reliability the way Microsoft Office is.

While Microsoft releases enough information to software developers to create applications for Windows, it does what many feel to be the bare minimum. This information, known collectively as the Windows API (Application Programmer Interface), is the key to making Windows applications at all, let alone making them work well. When one sees a Microsoft application running and a third-party application running, one can see that the Microsoft application is able offer more (whether it be with bells and whistles or with performance gains) than the competitor. This is not thanks to a more competent development staff at Microsoft (indeed, Microsoft applications have consistently been shown to be extremely vulnerable to remote exploitations of every manner, even of the most simplistic kind, known as a buffer overflow which can be prevented with some of the most basic programming techniques), but because of what amounts to insider information: the team making the application can talk to the team who made the OS at the water cooler. It is even rumored that Microsoft developers utilize a hidden API not made publicly available but kept hidden and for the use of only Microsoft developers.

If a high barrier-to-entry in the software business were not bad enough, Microsoft has done nothing but perpetuate its hold over businesses and end-users by making it difficult to switch from Microsoft products. The Microsoft Office package, being thoroughly popular among users of Windows, uses formats for saving files created by the user which cannot be read (or can be read from on a limited basis) from or written to by other applications. While it is not illegal to use proprietary file formats, it is highly suspect that Microsoft ought to be able to claim such protections on file formats it has made pervasive only by preventing competitors from making truly comparable products. In other words, if Microsoft is going to prevent competitors from making equally (if not greater) reliable and functional products, it ought to at least allow those competitors to use the file formats it intends to make a standard out of.

Another consequence of Microsoft's market dominance is that consumers no longer know what a good application or a good OS is. How can one know what a good application is when there is only one application for whatever need they have; going back to the automobile analogy, how can one know how a good car is supposed to run when there is only one car manufacturer in business? Indeed, how can one know how a good computer should run when there is only one way to operate a computer, Windows. Microsoft client and server software have been riddled with holes since the very beginning; by their own admission the writers and implementers of many recent mass attacks, viral and otherwise, have done so with the intent to show to the end-user community that Windows is extremely vulnerable. Even Microsoft's newest OS, Windows XP, was found to have a massive exploit built into its network architecture which allowed an attacker to execute any command on the remote machine. It was not until the FBI became involved in warning users about this critical security risk that Microsoft released a patch for this exploit; there are still a great deal of security holes in many Microsoft products which are, to date, unpatched.

Windows' reliability and stability is highly questionable, and at times it appears as if certain portions of the OS were not thoroughly tested. Ask a Windows user at any level of competence what pressing the control, alt, and delete keys simultaneously does to the computer and they will tell you that it is the oft need combination which allows him/her to shut down a program which has failed or halted. Ask them what an illegal operation is and before they tell you of drug smuggling cartels and mafia crime syndicates they will tell you that it is a vague reference to the crash of an application. Ask then what Scandisk is and they will tell you it is the program which necessarily runs after Windows itself has performed an illegal operation and cannot be rescued by the three button combination mentioned above. The fact that common users, not needing to know anything about a computer's internal operation to send and e-mail or bring up a web page actually knows what these things are should say something about the general reliability of the OS.

Microsoft may claim that its proprietary way of handling itself is necessary to its business model, and to the success of its products, but that is most certainly untrue. Red Hat and VA are two among many companies who have made a business off of a product which they offer for free download

to their users: Linux. The Linux community is the exact opposite of the Microsoft conglomerate: the software developers have full access to the code base (known as open source) so that they may access whatever information they need; the users are presented with software developed by the community which is functional and may be improved upon by anyone who has the motivation and the knowledge; the security is tight as a consequence of the opened source code, since the community at large may scrutinize any program and report any bugs or possible vulnerabilities and then easily submit a patch for general distribution. With the Linux community the bottom line is not expressible in dollars, and so the community may concentrate on greater things that attempting to cover-up known issues with the software in order to keep customers.

To be sure, Microsoft has been and still is playing a game for years in which it is the only competitor. The pawns are users and third-party developers alike, and it's weapons are denial, ignorance, lawsuit, acquisition, and monopoly. The only way to let other competitors in and to give them equal footing to compete with Microsoft is to allow them full and complete access to the API code base of past, present, and future incarnatio ns of Windows, that which is the common denominator for all PC based software development, and which has been the focal point of Microsoft's leverage in the software marketplace. In addition, forcing Microsoft to open and adhere to standards for file formats such as its Word format for word processing would be another equally important step in ensuring that Microsoft plays fair.

To open the API code base would require diligence on the part of enforcement authorities, but the software development community would be more than willing and able to play the role of watchdog. The software developers of the world would finally be able to have an unobstructed view of the platform for which they have been developing, which would allow them to come up with truly new and innovative ways to use the OS to get the task done, instead of being reduced to using only Microsoft approved tools. Once again software development would be about creating new and productive software; destabilizing Microsoft's monopoly would only be a side-effect of the rejuvenation of an industry now plagued by limited availability and a giant competitor who makes all the rules.

In no way do I advocate the total opening of a key piece of intellectual property owned by Microsoft, just the availability of enough to make sure that anyone who wants to develop software can do so without being hindered because he/she does not have the resources to write the software the way they want to. A distinction should be noted between the API and the entire source code to Windows: the API is that portion of Windows necessary to third-party developers for writing effective code. The extent of the code released should be determined by a panel to whom full access to Windows source code is given. This panel should consist of accomplished software developers in the development community: those who work for Microsoft as well as those who work for their competitors, those who program for Linux, and most notably, those who have already begun working on deciphering the API without Microsoft's help.

The last group I speak of includes the programmers of a project which began

before the DOJ lawsuit was filed: the Wine project, most associated with the
CodeWeavers company. Wine is a project to emulate Windows and allow for
Windows applications to be run on a variety of other OSes, including Linux
and Sun Microsystems' Solaris. These programmers have worked diligently on
a way to destabilize Microsoft's monopoly and lower the "switching-cost"
(the cost of switching from one company's product to that of a competitors)
of Windows.

Monetary damages cannot be used against a giant who is sitting on top of
tens of billions of dollars in assets, but to force it to share a little of
its knowledge can be infinitely more beneficial if the proper information
can be extracted. To the end-user the outcome of this case may not
represent much of a change, since the average user has only been interested
in computing since the late 90s, but to those of us who have been using
computers long enough to have seen the decline of the software market and an
associated decline in the overall quality of software in general, this case
has to potential to bring back to computing a bit of integrity and more
importantly, opportunity. It is with this in mind that I implore your honor
the judge to consider the opening of the Windows API to be the way to cut
the root of the problems which have stifled true creativity and innovation
within the developers community.

Jesse Dhillon.

"Ideas are more powerful than guns. We would not let our enemies have guns;
why would we let them have ideas?"--Josef Stalin